

Original

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
V.) No. 89-CR-83-E ✓
)
LOREN EUGENE HALL, JR.,)
)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

HAD ON SEPTEMBER 11, 1989

PLEA OF GUILTY

BEFORE THE HONORABLE JAMES O. ELLISON, Judge.

JACK O. STANLEY
U.S. DISTRICT COURT

NOV - 2 1989

dt

APPEARANCES:

For the Plaintiff: Jack Morgan
Assistant United States Attorney
3600 United States Courthouse
Tulsa, Oklahoma 74103

For the Defendant: Jim H. Heslet
Attorney at Law
5561 South Lewis Avenue
Tulsa, Oklahoma 74105

Glen R. Dorrough
UNITED STATES COURT REPORTER

PROCEEDINGS

September 11, 1989

THE COURT: Let's address United States of America vs. Loren Eugene Hall, Jr. If you gentlemen would step forward at this point. Jim Heslet appears, Mr. Hall comes forward in person. Mr. Heslet, is there any statement to be made on behalf of your client?

MR. HESLET: Not at this time, Your Honor, other than the fact that this matter comes on and we have prepared a petition to change our plea subject to the Court's approval.

THE COURT: And is this in regard to the indictment or one particular portion?

MR. HESLET: To the indictment, if the Court please. It's a one count indictment.

THE COURT: Okay. I would request that Mr. Hall be placed under oath.

THE CLERK: Do you solemnly swear your testimony in this hearing will be the truth, the whole truth and nothing but the truth so help you God?

THE DEFENDANT: I do.

THE COURT: Mr. Hall, you heard the statement of Mr. Heslet, your attorney.

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand that he cannot change your plea for you, this is something that if you desire to do

1 that you must do on your own, do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you further understand that before
4 approving your waiver of trial by jury that the Court must
5 question you and receive answers to the Court's questions that
6 are satisfactory so that the Court is satisfied that you know
7 what you're doing, do you understand that?

8 THE DEFENDANT: Yes, sir, I do.

9 THE COURT: And I think some of the questions will
10 seem obvious to you but the record must reflect your state of
11 mind and your understanding at this time.

12 And do you understand that if you're tried by a jury
13 you have the right to confront the witnesses against you and to
14 cross-examine them?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: You have a right to the assistance of your
17 lawyer, Mr. Heslet, throughout the entire proceedings.

18 THE DEFENDANT: Yes, sir, I do.

19 THE COURT: Furthermore, no one can compel you to take
20 the witness stand and give testimony against yourself, do you
21 understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you further understand that in order to
24 convict you, all 12 members of the jury have to unanimously
25 agree as to your guilt?

1 THE DEFENDANT: Yes, sir, I do.

2 THE COURT: Do you further understand that your right
3 to a jury trial is probably the most important right you have
4 as a citizen?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Now, if you plead guilty the Court alone
7 will determine the fact of guilt or innocence, that is if you
8 waive jury the Court alone will determine the fact of guilt or
9 innocence, and if you plead guilty, in effect there will be no
10 further trial of any kind, do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Understanding these things that we've
13 talked about, is it still your wish to give up or waive your
14 right to a jury trial?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. You may sign the waiver.

17 The Court is approving Mr. Hall's waiver.

18 Now, I'm going to review the indictment with you. I
19 know you have read it, but it's required that the Court review
20 it in open court with you. And I would request that Michael
21 Steven Hall, who is present in the courtroom, also listen to
22 the Court's reading of the indictment so that it will not have
23 to be repeated at the time that we address it with him.

24 "The grand jury charges that beginning in or about
25 September, 1987, and continuing through and including February

1 16, 1989, defendants Loren Eugene Hall, Sr., Kent Patrick
2 Thimmesch, also known as Paul Richard Lassley, Loren Eugene
3 Hall, Jr., Barbara Ann Marteney, David Royse Ladd and Michael
4 Steven Hall, and other co-conspirators both known and unknown
5 to the grand jury, did willfully and knowingly combine,
6 conspire, confederate and agree to commit offenses against the
7 United States in violation of Title 21, United States Code,
8 Section 846 as follows:

9 "(1) To knowingly and intentionally manufacture
10 methamphetamine, a Schedule II stimulant controlled substance,
11 contrary to Title 21, United States Code, Section 841(a)(1).

12 "(2) To knowingly and intentionally possess with
13 intent to distribute methamphetamine, a Schedule II stimulant
14 controlled substance, contrary to Title 21, United States Code,
15 Section 841(a)(1).

16 "(3) To knowingly and intentionally distribute
17 methamphetamine, a Schedule II stimulant controlled substance,
18 contrary to Title 21, United States Code, Section 841(a)(1).

19 "Means of the conspiracy: The objects and means of
20 the conspiracy were to be accomplished and were accomplished by
21 the defendants and other co-conspirators as follows:

22 "(1) Loren Eugene Hall, Sr., Loren Eugene Hall, Jr.,
23 David Royse Ladd, and others both known and unknown to the
24 grand jury, would and did knowingly purchase precursor
25 chemicals in the Northern District of Oklahoma, and elsewhere,

1 with the intent to manufacture methamphetamine.

2 "(2) Loren Eugene Hall, Jr., Kent Patrick Thimmesch,
3 also known as Paul Richard Lassley, and others both known and
4 unknown to the grand jury, would and did knowingly transport
5 precursor chemicals and laboratory equipment to be used in
6 establishing clandestine laboratories for the manufacture of
7 methamphetamine.

8 "(3) Loren Eugene Hall, Sr., Loren Eugene Hall, Jr.,
9 David Royse Ladd, Michael Steven Hall, and others both known
10 and unknown to the grand jury, would and did knowingly
11 manufacture methamphetamine.

12 "Loren Eugene Hall, Sr., Loren Eugene Hall, Jr.,
13 Barbara Ann Marteney, and others both known and unknown to
14 the grand jury, would and did knowingly distribute
15 methamphetamine.

16 "Overt acts: To effect the objects of the conspiracy,
17 the defendants named herein, and other co-conspirators,
18 committed diverse overt acts within the Northern District of
19 Oklahoma, and elsewhere, among which were the following:

20 "(1) In or about September or October, 1987, Loren
21 Eugene Hall, Sr. and David Royse Ladd traveled from Balt
22 Springs, Texas to Kansas for the purpose of manufacturing
23 methamphetamine."

24 And do you think it appropriate that the Court only
25 read those overt acts dealings with these specific defendants?

1 MR. MORGAN: Yes, sir that would be appropriate.

2 THE COURT: "(5) In or about October or November,
3 1988, Michael Steven Hall spilled meth oil on the floor of a
4 shed in or near Mesquite, Texas, while loading articles in a
5 truck.

6 "(6) In or about October or November, 1988, Loren
7 Eugene Hall, Sr. and Michael Steven Hall departed Mesquite,
8 Texas to manufacture methamphetamine.

9 "(7) On or about October 28, 1988, Loren Eugene Hall,
10 Sr. and Loren Eugene Hall, Jr. inquired as to purchasing
11 chemicals and glassware in Wichita, Kansas.

12 "(8) On or about October 31, 1988, Loren Eugene Hall,
13 Sr. and Loren Eugene Hall, Jr. purchased chemicals and
14 glassware in Tulsa, Oklahoma.

15 "(9) On or about November 15, 1988, Loren Eugene
16 Hall, Sr., Loren Eugene Hall, Jr. and an unindicted
17 co-conspirator purchased chemicals in Tulsa, Oklahoma.

18 "(10)" -- Excuse me. "(16) In or about January,
19 1989, Michael Steven Hall transported laboratory glassware from
20 or near Mesquite, Texas to or near Burns, Kansas.

21 "(19) On or about February 15, 1989, in or near
22 Mesquite, Texas, Loren Eugene Hall, Jr. dictated to Barbara Ann
23 Marteney, who wrote down a list of needed laboratory glassware
24 and chemicals.

25 "(20) On or about February 15, 1989, Loren Eugene

1 Hall, Jr. distributed methamphetamine in or near Mesquite,
2 Texas.

3 "(21) On or about February 15, 1989, Loren Eugene
4 Hall, Jr. possessed a firearm while distributing
5 methamphetamine and discussing his clandestine laboratory.

6 "(22) On or about February 15, 1989, David Royse Ladd
7 and Loren Eugene Hall, Jr. purchased five gallons of hydriodic
8 acid, 500 grams of red phosphorous and 10 pounds of Ephedrine
9 at DFW Chemicals in Grand Prairie, Texas.

10 "(23) On or about February 16, 1989, Loren Eugene
11 Hall, Jr. and an unidentified co-conspirator purchased
12 laboratory equipment and glassware at DFW Chemicals in Grand
13 Prairie.

14 "(24) On or about February 16, 1989, Loren Eugene
15 Hall, Jr. and Kent Patrick Thimmesch, also known as Paul
16 Richard Lassley, loaded chemicals, laboratory equipment and
17 glassware onto a truck in Mesquite, Texas.

18 "(25) On or about February 16, 1989, Loren Eugene
19 Hall, Jr. and Kent Patrick Thimmesch, also known as Paul
20 Richard Lassley, transported firearms, chemicals, laboratory
21 equipment and glassware from Texas through Oklahoma on their
22 way to Kansas.

23 "Property subject to forfeiture: Forfeiture may and
24 shall be ordered to the United States by the Court of the above
25 defendants' following described property upon their individual

1 and respective convictions herein, pursuant to Title 21, United
2 States Code, Section 853.

3 "(1) Any property constituting or derived from any
4 proceeds any defendant obtained directly or indirectly as a
5 result of the violation herein.

6 "(2) Any of the defendants' property used or intended
7 to be used in any manner or part to commit or to facilitate the
8 commission of the violation herein."

9 Mr. Hall, do you understand what you are charged with
10 in the indictment?

11 THE DEFENDANT: Yes, sir, I do.

12 THE COURT: Now, if you enter a plea of guilty do you
13 understand that the Court may sentence to you a term of
14 imprisonment or a monetary fine or both?

15 THE DEFENDANT: Yes, sir, I do.

16 THE COURT: Do you further understand that the maximum
17 sentence that the Court could impose could include a term of
18 imprisonment not to exceed 20 years?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you further understand that the Court
21 could impose a fine for this offense in an amount not to exceed
22 one million dollars?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand that in addition to this
25 sentence the Court is required to impose a special assessment

1 in the amount of \$50 to be deposited in the Special Crime
2 Victims fund of U.S. Treasury?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you further understand that the Court,
5 pursuant to the sentencing guidelines, must impose a term of
6 supervised release in addition to any incarceration?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you understand that although this Court
9 is required to consider the applicable sentencing guidelines in
10 accordance with your sentence in arriving at your sentence, the
11 Court may depart from those guidelines under some
12 circumstances?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: How old are you?

15 THE DEFENDANT: I'm 34.

16 THE COURT: Is this plea of guilty made voluntarily
17 and completely of your own free choice.

18 THE DEFENDANT: Yes, sir, it is.

19 THE COURT: Has anyone forced you or threatened you in
20 any way to make this plea?

21 THE DEFENDANT: No, sir.

22 THE COURT: Has anyone promised you anything to plead
23 guilty?

24 THE DEFENDANT: No, sir.

25 THE COURT: Are you presently here in the courtroom

1 now as we discuss these matters under the influence of any
2 drugs, alcohol or medication?

3 THE DEFENDANT: No, sir.

4 THE COURT: Do you consider yourself to be a mentally
5 competent person?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Have you ever been treated for any mental
8 illness of any kind?

9 THE DEFENDANT: No, sir.

10 THE COURT: You have a right to plead not guilty and
11 persist in that plea and put the burden on the United States to
12 establish guilt beyond a reasonable doubt. That's a right that
13 you have, do you understand that?

14 THE DEFENDANT: Yes, sir, I do.

15 THE COURT: How far were you able to go in school?

16 THE DEFENDANT: I went through a year and a half of
17 college and then another six months of EMT training.

18 THE COURT: Are you satisfied with the services of
19 your attorney, Mr. Heslet?

20 THE DEFENDANT: Yes, I am.

21 THE COURT: Mr. Morgan, I would ask you and defense
22 counsel whether there has been any understanding as to possible
23 sentence in this case?

24 MR. MORGAN: No, Your Honor, there has not been.

25 THE COURT: And is that your --

1 MR. HESLET: No, Your Honor, that's correct.

2 THE COURT: And is that your understanding, Mr. Hall?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Mr. Hall, do you understand that if you
5 plead guilty the Court is going to ask you specific questions
6 about the offense and you must answer those truthfully so that
7 you do not have the possibility of additional charges of
8 perjury or false statement, do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Mr. Hall, understanding the nature of the
11 charge against you, your right to a jury trial and the effect
12 and consequence of your plea, how do you plead to the
13 indictment?

14 THE DEFENDANT: Guilty.

15 THE COURT: You may sign the petition to plead guilty.

16 MR. MORGAN: Your Honor, with your permission there is
17 a signed plea agreement that I will hand to the clerk for your
18 perusal along with the petition to plead guilty.

19 THE COURT: Very well. Thank you.

20 The Court will take a moment to review the plea
21 agreement between the United States and the defendant.

22 The Court has reviewed the agreement between the
23 defendant and the United States, approves it, and directs that
24 it be made part of the record in this case.

25 Mr. Morgan, I would ask you and Mr. Heslet, should

1 this agreement be under seal?

2 MR. MORGAN: Yes, sir, I believe possibly it should be
3 at this time.

4 THE COURT: It's the Court's feeling that it should
5 be.

6 MR. HESLET: Yes, sir.

7 THE COURT: Then that will be the order of the Court,
8 that it be placed under seal only to be released upon order of
9 this Court upon appropriate application.

10 Tell me how you went about committing the offense
11 charged? And that really means when you entered into, if you
12 did enter into this arrangement, when it took place and who was
13 involved and what its purpose was.

14 THE DEFENDANT: I don't know what the month was but my
15 father came to me -- it was just in August, something like
16 that, of last year. And my father was involved heavily, at
17 least to our understanding, with the CIA as far as aiding the
18 Contras as far as taking weapons over to them. And he came to
19 us, he came to me one day and said that he was involved in the
20 running of guns to Nicaragua and that he needed some help, they
21 were -- they had oil that was being used to make methampheta-
22 mine that was supposedly helping the CIA, or whatever, involved
23 in staying away while they were involved with the Contras or
24 whatever. Of course later I found out that wasn't exactly the
25 way everything went down.

1 I was working with the ambulance department at that
2 time and I had never been involved with drugs, but seeing that
3 he was my father I went ahead and got involved. And I went to
4 Tulsa, Oklahoma where I bought -- I didn't buy, he bought
5 chemicals to make methamphetamine and they were manufactured
6 out at the farm near Burns. So I'm -- I'm guilty of that.

7 THE COURT: And it's necessary -- the reason I ask
8 these questions is so that the record would reflect and I would
9 know that the elements of the offense are here. That's why I
10 have to ask these questions. So I'm asking you is it a fair
11 statement that from your knowledge the agreement to manufacture
12 and distribute methamphetamine took place somewhere between
13 September of '87 and February of '89, although you got in in
14 1988?

15 THE DEFENDANT: Yeah, it had been going on about a
16 year before I got involved or really knew, had any knowledge of
17 it. But, yeah, your dates are correct.

18 THE COURT: And the individuals named in the
19 indictment, is that a fair statement of the people that were
20 involved along with others?

21 THE DEFENDANT: Well, there's -- pretty much so, yes.

22 THE COURT: And in regard to -- there's no question
23 regardless of the motivation, the purpose was to manufacture
24 and distribute methamphetamine, isn't that a fair statement?

25 THE DEFENDANT: Yes, it is.

1 THE COURT: Okay. As far as your activities are
2 concerned, I'm looking down now to the overt acts. Did you and
3 your father inquire as to purchasing chemicals and glassware in
4 Wichita, Kansas.

5 THE DEFENDANT: Yes, we did.

6 THE COURT: Back in October of 1988?

7 THE DEFENDANT: Yeah.

8 THE COURT: You did purchase the chemicals and
9 glassware -- you've already told the Court about that -- here
10 in Tulsa in October of '88.

11 THE DEFENDANT: Yes, I did.

12 THE COURT: And you purchased chemicals, is it true
13 that you did purchase chemicals here in Tulsa along with your
14 father and another individual in November of 1988?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Anything further in regard to elements of
17 the offense, Mr. Morgan?

18 MR. MORGAN: No.

19 THE COURT: These offenses, the defendant has
20 accounted for specific acts taking place here in the Northern
21 District of Oklahoma.

22 MR. MORGAN: Right, he has admitted, I think,
23 necessary elements of the crime, he has admitted jurisdiction
24 to the Court. I think there's a factual basis to accept the
25 plea. Although we did not specifically go into each and every

1 one of the overt acts as Your Honor did with one or two of
2 them, I'm satisfied that by pleading guilty to the indictment
3 he has admitted his guilt as charged.

4 THE COURT: Thank you, Mr. Morgan.

5 Mr. Hall, based upon the responsive answers that you
6 have given to the Court this afternoon, I find that your plea
7 of guilty is made freely, voluntarily and because you are
8 guilty as charged; that you don't make this plea out of any
9 ignorance or fear or inadvertence or coercion or mistake, and
10 that you fully understand the consequences of your plea. I
11 further find that you have admitted the essential elements of
12 the crime charged in the indictment and that you are mentally
13 competent to enter the plea. Therefore, I'm entering a formal
14 order that your plea of guilty be accepted and entered as
15 prayed for in your petition and as recommended in the
16 certificate of your lawyer, and I'm signing a formal order to
17 that effect at this time.

18 Sentencing in your case is set for November 21, 1989
19 in this courtroom at nine o'clock a.m.

20 Anything further in regard to that? You are on bond
21 at this point?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Mr. Morgan, would you agree that Mr.
24 Heslet would be able to present evidence to this Court that Mr.
25 Hall is neither a flight risk nor a danger to the community?

1 MR. MORGAN: Yes, sir.

2 THE COURT: Based upon that stipulation, the existing
3 bond will stay in full force and effect until the time of
4 trial. Anything further?

5 MR. MORGAN: I have nothing else.

6 THE COURT: Mr. Heslet?

7 MR. HESLET: No, Your Honor, I have nothing further.

8 THE COURT: You will be excused at this time.

9 THE DEFENDANT: Thank you, sir.

10

11 A TRUE AND CORRECT TRANSCRIPT.

12

13

CERTIFIED:



Glen R. Dorrough

14

United States Court Reporter

15

16

17

18

19

20

21

22

23

24

25